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April 29, 2004

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Docket WT 02-55
Ex Parte Presentation

Dear Ms. Dortch:

On April 29, 2004 Gerald Kittner and I met with Sheryl Wilkerson of the Chairman's office and addressed matters set forth in the enclosed outline.

Pursuant to 47 C.F.R. § 1.1206(b)(2), an original and one copy of this letter are being provided to you for inclusion in the public record in the above-referenced proceeding.

Sincerely,

_____/s/
Thomas Gutierrez

Attachment

cc. Sheryl Wilkerson

MOTIENT – REQUEST REGARDING THE FCC’S REBANDING PROCEEDING

- I. Motient is a long term FCC licensee in the 800 MHz Band, holding both geographic area and site-specific licenses.**
- II. Motient is causing no interference and, other things being equal, would have no need to relocate its systems.**
- III. Motient takes no position vis a vis the relocation, at 800 MHz and 1900 MHz, of Nextel facilities that are arguably contributing interference to Public Safety.**
- IV. Motient’s concern is that, unless it is included in the relocation currently contemplated, it will be severely disadvantaged by effectively being stranded while other carriers are relocated to upper 800 MHz spectrum.**
- V. Rebanding, without including Motient in the process, would constitute a wholesale change in the rules in effect when Motient was licensed.**
- VI. Among other things, it would reduce the ability of Motient to provide cellularized service, possibly in combination with others.**
- VII. If Motient is among a small group of licensees stranded in the lower 800 MHz band, its options vis a vis equipment providers would be inappropriately limited.**
- VIII. The expense associated with relocation of Motient spectrum should be handled in the same manner as relocation of all other non-Nextel spectrum.**
- IX. To the extent that parties who are being relocated have an opportunity to select specific spectrum within the 800 MHz band, so too should Motient.**
- X. If all licensees in the lower 800 MHz band cannot be relocated, the dividing line should be between commercial entities and non-commercial ones. There is no distinction between EA and site-specific licenses that is “relevant to the purposes of the Communications Act”, and therefore an appropriate basis for disparate treatment.**